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**JUN 05 2007**

**OFFICE OF PETITIONS**

In re Application of	:	
Leithem, et al.	:	
Application No. 09/334,125	:	DECISION ON PETITION
Filed: June 15, 1999	:	
Attorney Docket No. 0077079-0057	:	

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed December 27, 2005.

The petition is **GRANTED**.

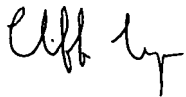
The above-identified application was held abandoned after the Board of Patent Appeals and Interferences mailed a Decision on Appeal on October 21, 2005. The decision affirmed the Examiner's rejection on claims 61 and 62. A Notice of Abandonment was mailed on November 16, 2005, stating that the application was abandoned because the period for seeking court review had expired.

37 CFR 41.52 provides that an Appellant may file a request for rehearing of a Board decision within two months of the date of the original decision by the Board. Accordingly, as the two month period had not yet expired, it is obvious that the Notice of Abandonment was mailed in error.

In view thereof, **the holding of abandonment is withdrawn.**

The matter is being forwarded to the Board of Patent Appeals and Interferences for consideration of the "REQUEST UNDER 37 C.F.R. 41.50(b)(2) FOR A REHEARING OF THE BOARD'S DECISION ON APPEAL", filed December 27, 2005 (Certificate of Mailing dated December 21, 2005).

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

A handwritten signature in cursive script, appearing to read "Cliff Congo".

Cliff Congo  
Petitions Attorney  
Office of Petitions